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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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13 ROCIO ADAME ARAUJO
14 DE AGUILAR, et al.

15 vs.

16 NATIONAL RAILROAD
17 PASSENGER CORPORATION, et al.,

18 Defendants.
19 _____/

CASE NO. CV F 02-6527 LJO GSA

**ORDER TO SANCTION NON-APPEARING
COUNSEL AND TO SET TRIAL SETTING
CONFERENCE**

Date: June 4, 2009
Time: 8 a.m.
Dept.: 4 (LJO)

20 This court conducted a May 19, 2009 status conference to address completion of global
21 settlement. Brent Rosenthal appeared for plaintiffs represented by the McNulty Firm. David Lynn and
22 Lloyd Chapman appeared for their respective plaintiff clients. Clyde Hutchinson, Lombardi, Loper &
23 Conant, LLP appeared for remaining defendants. No counsel appeared for plaintiffs represented by
24 Moreno, Becerra & Casillas. Counsel Brian Osborne did not appear for his respective plaintiff clients.

SANCTIONS

25 This Court's May 12, 2009 order denied the request of the parties' counsel to vacate the May 19,
26 2009 status conference in that this Court desired to proceed with the conference with all counsel
27 appearing. Given the non-appearance of Brian Osborne and a representative of Moreno, Becerra &
28 Casillas, this Court ORDERS Brian Osborne and Moreno, Becerra & Casillas, no later than 12 p.m. on

1 May20, 2009, to pay \$500 each payable to the Clerk of Court. If payment is not timely received by the
2 clerk, this Court will issue an order to show cause why further sanctions, including contempt, should not
3 be imposed and to require personal appearance at a show cause hearing.

4 **TRIAL SETTING CONFERENCE**

5 This Court SETS a further telephonic status conference for June 4, 2009 at 8 a.m. in Department
6 4 (LJO). Counsel shall appear by arranging a one-line conference call and adding the Court at (559)
7 499-5680. At the status conference, this Court will set a pretrial conference and trial for plaintiffs who
8 have not completed settlement and dismissed their actions. This Court ORDERS counsel for plaintiffs
9 who have completed settlement to prepare and file diligently stipulations to dismiss such plaintiffs'
10 actions in accordance with F.R.Civ.P. 41. This Court will not accept a mere request to dismiss executed
11 only by plaintiffs' counsel.

12
13 IT IS SO ORDERED.

14 **Dated: May 19, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE